

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ROBERT D. MAWHINEY,**

**Plaintiff,**

**V.**

**WARREN DISTRIBUTION, INC.,**

**Defendant.**

**CASE NO. 8:05CV466**

## ORDER

On February 28, 2007, the Defendant Warren Distribution filed a motion for summary judgment as to all claims raised by Plaintiff Robert Mawhiney. It appears that the motion, brief and evidence offered in support of the motion were properly served on Mawhiney by United States mail on the same day. According to the federal and local rules of this Court, Mawhiney should have responded to the motion by filing a brief and any evidence he may have to oppose the motion at the latest by Friday, March 23, 2007.

To date, Mawhiney has not opposed the motion. The Court will give Mawhiney one more week to file any documents in opposition to the motion. The Court expressly warns Mawhiney that whether or not he files any response to the motion, the Court will make a ruling on the merits of the Defendant's motion for summary judgment after April 6, 2007, and the result may be a dismissal of the Complaint with prejudice.

IT IS ORDERED:

Plaintiff Robert Mawhiney shall file his brief and evidence in opposition to the Defendant Warren Distribution's motion for summary judgment, if any, on or before April 6, 2007.

DATED this 29<sup>th</sup> day of March, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge